

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CHASOM BROWN, et al.,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 20-cv-03664-YGR (SVK)

**ORDER ON ADMINISTRATIVE  
MOTIONS FOR LEAVE TO FILE  
UNDER SEAL**

Re: Dkt. Nos. 671, 691, 721

Before the Court are administrative motions for leave to file under seal materials associated with discovery disputes in this case. Dkt. 671, 691, 721; *see also* Dkt. 718, 736 (declarations in support of sealing motions).

Courts recognize a “general right to inspect and copy public records and documents, including judicial records and documents.” *Kamakana v. City & Cnty. Of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Communs., Inc.*, 435 U.S. 589, 597 & n.7 (1978)). A request to seal court records therefore starts with a “strong presumption in favor of access.” *Kamakana*, 447 F.3d at 1178 (quoting *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)). The standard for overcoming the presumption of public access to court records depends on the purpose for which the records are filed with the court. A party seeking to seal court records relating to motions that are “more than tangentially related to the underlying cause of action” must demonstrate “compelling reasons” that support secrecy. *Ctr. For Auto Safety v. Chrysler Grp.*, 809 F.3d 1092, 1099 (9th Cir. 2016). For records attached to motions that re “not related, or only tangentially related, to the merits of the case,” the lower “good cause” standard of Rule 26(c) applies. *Id.*; *see also Kamakana*, 447 F.3d at 1179. A party moving to seal court records must also comply with the procedures established by Civil Local Rule 79-5.

Here, the “good cause” standard applies because the information the parties seek to seal was submitted to the Court in connection with discovery-related motions, rather than a motion that concerns the merits of the case. The Court may reach different conclusions regarding sealing these documents under different standards or in a different context. Having considered the motions to seal, supporting declarations, and the pleadings on file, and good cause appearing, the Court **ORDERS** as follows:

**1. Dkt. 671; see also Dkt. 718**

Document Sought to be Sealed	Court’s Ruling on Motion to Seal	Reason(s) for Court’s Ruling
Plaintiffs’ Administrative Motion for Relief re: Google’s Production of Documents Improperly Withheld as Privileged	GRANTED as to the portions at:  Pages: 1:8-10, 4:7-8	The information requested to be sealed contains Google’s confidential and proprietary information regarding sensitive features of Google’s internal systems and operations, including Google’s internal projects, identifiers, and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google’s competitors. Such confidential and proprietary information reveals Google’s internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google’s competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google’s internal practices relating to competing products.
Exhibit A - Documents Google Produced Pursuant to this Court’s June 10, 2022 Order (Dkt. 605)	GRANTED as to the portions at:  Pages: 2:18-20, 5:14-16	The information requested to be sealed contains Google’s confidential and proprietary information regarding sensitive features of Google’s internal systems and operations, including Google’s internal projects, identifiers, and their proprietary functionalities,

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		that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
Exhibit C - September 8, 2021 Letter re: Privilege Log	GRANTED as to the portions at:  Page 6	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including Google's internal projects, identifiers, and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
Exhibit 2 - GOOG-BRWN-00855317	GRANTED as to the portions at:	The information requested to be sealed contains Google's confidential and proprietary information regarding

	Entirely	sensitive features of Google's internal systems and operations, including Google's internal projects, identifiers, and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
Exhibit 3 - GOOG-CABR-05949445	GRANTED as to the portions at:  Entirely	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including Google's internal projects, identifiers, and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices

		relating to competing products.
Exhibit 4 - GOOG-BRWN-00856066	GRANTED as to the portions at:  Entirely	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including Google's internal projects, identifiers, and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
Exhibit 5 - GOOG-BRWN-00856578	GRANTED as to the portions at:  Entirely	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including Google's internal projects, identifiers, and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place

		Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
Exhibit 6 - GOOG-BRWN-00857642	GRANTED as to the portions at:  Entirely	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including Google's internal projects, identifiers, and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
Exhibit 10 - GOOG-BRWN-00848723	GRANTED as to the portions at:  Pages: -725-727	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including Google's internal projects, identifiers, and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information

		could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
Exhibit 12 - GOOG-CABR-05888096	GRANTED as to the portions at:  Entirely	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including Google's internal projects, identifiers, and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
Exhibit 13 - GOOG-BRWN-00853326	GRANTED as to the portions at:  Pages: -326, -329-331	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including Google's internal projects, identifiers, and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system



		designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
Exhibit 15 - GOOG-BRWN-00850441	GRANTED as to the portions at:  Entirely	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including Google's internal projects, identifiers, and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
Exhibit 16 - Expert Report of Prof. On Amir	GRANTED as to the portions at:  Pages 2-4	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including Google's internal projects, identifiers, and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is



		not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
Exhibit 17 - Expert Report of Bruce Strombom	GRANTED as to the portions at:  Pages: i-ii, 21	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including Google's internal projects, identifiers, and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.

## 2. Dkt. 691

Document Sought to be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
Exhibit A Excerpts to Berntson June 16, 2021 30(b)(6) transcript	GRANTED as to the portions at:  Pages 4:12, 4:18, 4:21, 5:14-15, 372:11, 372:15, 390:1-2, 39:15, 390:20, 395:24, 396:14	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including various types of Google's internal projects and proposals and their proprietary functionalities that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
Exhibit B GOOG-BRWN-00157001 (text file)	GRANTED as to the portions at:  Seal Entirely	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including various types of Google's internal projects and proposals and their proprietary functionalities, as well as internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors.

		Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
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3. **Dkt. 721; *see also* Dkt. 736**

<b>Document Sought to be Sealed</b>	<b>Court's Ruling on Motion to Seal</b>	<b>Reason(s) for Court's Ruling</b>
Plaintiffs' Opposition to Google's Motion to Strike Exhibit A to Mao Declaration In Support of Plaintiffs' Administrative Motion for Relief (Dkt. 693)	GRANTED as to redacted portions at:  Pages 2:17-19, 4:16-25	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including various types of Google's internal projects and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices

		relating to competing products.
Exhibit 1 to Mao Declaration - GOOG-CABR-05885871	GRANTED as to redacted portions at:  Seal Entirely	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including various types of Google's internal projects and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.

**SO ORDERED.**

Dated: September 28, 2022




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 SUSAN VAN KEULEN  
 United States Magistrate Judge